

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated February 6, 2007 (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the §103(a) rejection based upon a combination of the teachings of U.S. Publication No. 2003/0045242 by Cho (hereinafter “Cho”) in view of U.S. Publication No. 2002/0061744 by Hamalainen *et al.* (hereinafter “Hamalainen”) because the asserted references, alone or in combination, do not teach or suggest each of the claimed limitations. For example, none of the cited portions of Cho teach at least establishing an outside connection to a unit other than the core unit by a peripheral unit, as claimed. The cited portions of Cho refer to a Bluetooth piconet including a master device and slave devices. While the Examiner has not identified which of Cho’s devices (master or slaves) correspond to the claimed core unit and peripheral unit, none of the master or slave devices in the cited portions of Cho are taught as establishing a connection to a device outside the identified piconet (Fig. 1 of Cho). Thus, Cho does not teach establishing an outside connection, as claimed, and therefore cannot correspond to further limitations directed to the claimed outside connection such as adjusting the outside LPRF activity of a peripheral unit. Cho also does not teach the claimed giving of a control command for adjusting an outside LPRF connection activity, as acknowledged by the Examiner on page three of the Office Action.

In an attempt to overcome these deficiencies of Cho, the Examiner relies upon the teachings of Hamalainen; however, this reliance is misplaced. No teaching has been cited to indicate that the control described by Hamalainen would be directed to adjusting an outside LPRF connection of a peripheral device or that a control command is given when a core unit needs to establish another LPRF on the same frequency as a peripheral’s outside connection. Rather, cited paragraph [0024] generally discusses that a master device can be used as a gateway such that a Bluetooth network may be controlled remotely through the

master device, but there is no indication that such control is related to an outside LPRF connection of a peripheral device.

Moreover, the Examiner has not identified how the teachings of Hamalainen are being asserted as corresponding to the claimed invention and therefore has not provided Applicant the requisite reasoning and information to be useful in judging the propriety of the rejection as required by 35 U.S.C. §132. However, none of the apparent possible alignments of Hamalainen to the claimed invention would appear to provide correspondence to each of the claimed limitations. For example, the alleged control command of Hamalainen is either given by a remote device outside of the Bluetooth network (lines 9-15 of paragraph [0024]) or by the control device which is the master device of the Bluetooth network (lines 5-9 of paragraph [0024]). If the remote device gives the control command, the control command is not being given by the core unit as claimed, because the remote device is neither a master nor a slave device in the asserted Bluetooth network. As the remote device is not part of the asserted radio control arrangement consistent with the applied teachings of Cho, the remote device cannot correspond to the core unit. Alternatively, if Hamalainen's master device gives the control command, the master unit must be asserted as the core unit. However, there is no teaching that any of the slave devices have established an outside connection or that the command is directed to adjusting such an outside connection as discussed above.

Further, Hamalainen's master unit appears to be the only device identified in the Office Action that establishes an outside connection, which would require that the master unit be asserted as corresponding to the claimed peripheral unit. Such an alignment of the teachings of Hamalainen would result in the peripheral unit (Hamalainen's master unit) giving the control command and not the core unit, as claimed. Thus, even though the Examiner has not specifically pointed out how the asserted references are being read on the claimed invention, it does not appear that any of the possible alignments of the teachings would correspond.

In summary, Cho does not teach at least establishing an outside connection by a peripheral unit or giving a control command, as claimed. The asserted control of

Hamalainen has not been shown to correspond to the claimed giving of a control command as none of the devices that are taught as giving the alleged control command of Hamalainen would correspond to the claimed core unit, and it has not been shown that the alleged control command would be directed to adjusting an outside LPRF connection of a peripheral device or that a control command is given when a core unit needs to establish another LPRF on the same frequency as a peripheral's outside connection. Thus, neither of the cited references teaches establishing an outside LPRF connection by a peripheral unit or giving a control command by a core unit, as claimed. As neither of the asserted references teaches these limitations, any combination of these references must also fail to correspond to such limitations. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-15 and 17-30 depend from independent Claims 1 and 16, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of Cho and Hamalainen. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1 and 16. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-15 and 17-30 are also allowable over the combination of Cho and Hamalainen.

The rejection of the dependent claims is further considered improper as the Office Action does not provide even an assertion of correspondence to several of the limitations of the dependent claims. For example, no assertion has been presented that either of the cited references teaches periodically pausing the established outside LPRF connection activity (Claim 4); the other LPRF connection being established between the core unit and the same

peripheral unit that establishes the outside LPRF connection (Claim 7); decreasing the power of the outside LPRF connection (Claim 9); and restricting use of the outside LPRF connection (Claim 10). More specifically, Applicant fails to recognize where either of the cited references teach, for example, the other LPRF connection being established between the core unit and a unit other than a peripheral unit of the radio system, as claimed in Claims 8 and 23. Without an assertion and presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant accordingly requests that it be withdrawn.

In addition to having to show that the asserted combination of references teaches or suggests all of the claim limitations, the Examiner must show evidence of motivation to combine these references as asserted. Applicant respectfully submits that this requirement has not been met.

The requisite evidence of motivation to combine the teachings of Cho and Hamalainen as asserted has not been presented, nor does such motivation exist based on the cited references. In the Office Action, the proffered motivation to combine the teachings of Cho and Hamalainen is “to effectively and efficiently control wireless, low power radio frequency networks.” This assertion is entirely unsupported. No evidence has been provided, in the form of citations to the asserted references or otherwise, that a skilled artisan would have attempted to introduce the control data of Hamalainen to Cho’s Bluetooth piconet.

The examiner must show some objective teaching leading to the asserted combination. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). It is respectfully submitted that the teachings of Hamalainen and Cho would have provided insufficient guidance for a skilled artisan having these references before him/her to make the combination suggested by the Examiner. Applicant respectfully asserts that the Examiner’s conclusion of obviousness is, instead, based on improper hindsight reasoning using knowledge gleaned only from Applicant’s disclosure. As stated by the Federal Circuit:

Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint

for piecing together the prior art to defeat patentability--the essence of hindsight.

In re Dembiczak, 50 USPQ2d 1614, (Fed. Cir. 1999) (citing *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985)). Without a suggestion of the desirability of “the combination,” a combination of such references is made in hindsight, and the “range of sources available, however, does not diminish the requirement for actual evidence.” *Id.* It is a requirement that actual evidence of a suggestion, teaching or motivation to combine prior art references be shown and that this evidence be “clear and particular.” *Id.* Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

There is nothing in the references or what is in the ordinary skill in the art that would lead to combining the cited references as asserted – rather, the proffered motivation is made in hindsight. For at least the aforementioned reasons, Applicant respectfully submits that a case of *prima facie* obviousness has not been satisfied for lack of a presentation of evidence of motivation to combine the cited references. Applicant accordingly requests that the rejection be withdrawn.

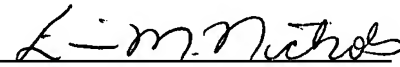
Applicant notes that dependent Claims 2 and 17 have been amended to clarify the wording of the claims. The changes are consistent with the discussion in paragraph [0032] of the instant Specification and do not introduce new matter. The claims are believed to be patentable over the asserted combination of references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.032.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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